

JUDGE JONES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
 :
 UNITED STATES OF AMERICA :
 :
 - v. - :
 :
 ALBERT RIVERA, :
 a/k/a "Alex," :
 :
 Defendant. :
 :
 :
 - - - - - x

USDC SDNY
2007 CRIMINAL
ELECTRONIC FILING
DOC #:
DATE FILED: SEP 26 2007

INDICTMENT

07 Cr.

07 CRIM 912**COUNT ONE**

The Grand Jury charges:

1. From approximately in or about early 2007, through on or about June 22, 2007, in the Southern District of New York and elsewhere, ALBERT RIVERA, a/k/a "Alex," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and object of the conspiracy that ALBERT RIVERA, a/k/a "Alex," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

OVERT ACTS

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about June 22, 2007, ALBERT RIVERA, a/k/a "Alex," the defendant, was present in the vicinity of 2140 Seward Avenue, Bronx, New York 10473, in order to retrieve approximately one kilogram of cocaine that had been hidden in a package sent from the Dominican Republic.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about June 22, 2007, in the Southern District of New York, ALBERT RIVERA, a/k/a "Alex," the defendant, unlawfully, intentionally, and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT THREE

The Grand Jury further charges:

5. On or about June 22, 2007, in the Southern District of New York, ALBERT RIVERA, a/k/a "Alex," after having

been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about October 16, 2001, in New York State Supreme Court, Bronx County, of criminal sale of a controlled substance in the fifth degree, a Class D felony, unlawfully, wilfully, and knowingly, did possess in and affecting commerce, a firearm, to wit, a loaded Glock-19 semiautomatic pistol, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)

FORFEITURE ALLEGATIONS AS TO COUNTS ONE AND TWO

6. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, ALBERT RIVERA, a/k/a "Alex," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including but not limited to proceeds obtained as a result of the offenses described in Counts One and Two of this Indictment.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. §853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)



FOREPERSON



MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES OF AMERICA

- v. -

ALBERT RIVERA,
a/k/a "Alex,"

Defendant.

INDICTMENT

07 Cr. _____

(Title 21, United States Code,
Sections 812, 841(a)(1),
841(b)(1)(A) and (B), and 846; Title 18,
United States Code, Sections 2 and
922(g))

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL.

Foreperson.

Bernard O'Dwyer

9/26/07 Filed indictment. Case assigned to Judge
of May. Judge Katz